

1 Amendments to the Drawings:

2           Corrections have been made to Figures 2-3 as required by the Examiner. Figure 2 has  
3 been corrected to add the reference d<sub>0</sub>. Figure 3 has been corrected to delete reference characters  
4 12', 14', 16' and 18' which are not mentioned in the description. It should be noted that although  
5 the Examiner objected to the inclusion of reference character 10' on the grounds it did not appear  
6 in the description, Applicant directs the Examiner's attention to page 2, line 17 of the description  
7 which states "Figure 3 shows an embodiment 10' . . ." Replacement sheets are enclosed for  
8 Figures 2 and 3, as well as annotated sheets for Figures 2 and 3 showing the corrections.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1       **REMARKS:**

2               In the December 19, 2006 Office Action, the Examiner noted that claims 1-59 are  
3 pending in the application and that claims 1-59 are rejected, with claims 1-5, 7, 10-12, 14-23, 25,  
4 28-30, 32, 36-46, 52, and 54-58 rejected under 35 USC 102(b) and claims 6, 8, 9, 13, 24, 26, 27,  
5 31, 33-35, 47, 49-51, 53, and 59 rejected under 35 USC 103(a). The Examiner objected to the  
6 drawings as failing to comply with 37 CFR 1.84(p)(5).

7               *Amendment to the Specification*

8               In reviewing the references within the specification to the figures, it was discovered that  
9 the specification incorrectly included the reference to the “inside diameter  $d_i$ .” This reference  
10 should be “ $d_i$ ” to be consistent with the rest of the specification and the drawings. The  
11 amendment corrects this typographical error.

12              *Drawing Corrections*

13              The Examiner objected to the drawings because they did not include a reference symbol  
14 for outside diameter  $d_o$  which is mentioned in the description. A replacement sheet for Figure 2  
15 is submitted herewith which shows outside diameter  $d_o$ . In addition, reference numbers  
16 originally indicated as  $d_1$  and  $d_2$  have been respectively changed to  $d_1$  and  $d_2$  to be consistent  
17 with the description.

18              The Examiner objected to the drawings on the grounds that the drawings, specifically  
19 Figure 3, included the following reference characters not mentioned in the description: 10', 12',  
20 14', 16' and 18'. It should be noted that although the Examiner also objected to the inclusion of  
21 reference character 10' on the grounds it did not appear in the description. However, page 2, line  
22 17 of the description states “Figure 3 shows an embodiment 10' . . .” Reference character 10'  
23 has therefore been left on Figure 3.

24              *Rejections Under 35 U.S.C. 102(b)*

25              In paragraph 5 of the office action, the Examiner rejects claims 1-5, 7, 10-12, 14-23, 25,  
26 28-30, 32, 36-46, 48, 52, and 54-58 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent  
27 3,157,189 to Farnham. As stated by the Examiner, “Farnham provides a power operated crutch  
(an art equivalent term for a cane) comprised of a second member 14 telescopically received  
within a first member 12, a ground engaging tip 21, a ball screw 24 and ball nut (col. 2, line 57+),  
a motor 20, operated by switch 46 and powered by battery 44, a handle 16 and suitable gearing

1 (col. 2, line 70).

2 The Applicant respectively disagrees with the Examiner's rejection of claims 18, 19, 40,  
3 41, 45, and 54-59. Each of these claims refers to specific gearing and bearing configurations for  
4 connecting the motor to the ball screw. While Farnham makes reference at column 2 lines 70-71  
5 to "suitable gearing for providing necessary torque for extending and shortening the crutch", he  
6 provides no further description of how such "suitable gearing" would be configured, or even  
7 whether such gearing would be incorporated between the power means and ball screw, as  
8 claimed by the Applicant, or in some other configuration. In contrast, claims 18, 19, 40, 41, 45,  
9 and 54-59 provide detailed configurations of gearing arrangements and bearing arrangements for  
10 the claimed embodiments.

11 The Federal Circuit has stated that "anticipation requires the presence in a single prior art  
12 reference disclosure of each and every element of the claimed invention *arranged as in the*  
13 *claim.*" *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick* (Fed. Cir. 1984)  
14 221 USPQ 481, 485 (emphasis added). In *Lindermann*, the Federal Circuit found that the trial  
15 court had erred in treating the claims of the prior art reference "as mere catalogs of separate parts  
16 in disregard of the part-to-part relationships set forth in the claims and that give the claims their  
17 meaning." The Applicant respectfully submits that Farnham's reference to "suitable gearing",  
18 without more, fails to provide the necessary part-to-part relationship as required under  
19 *Lindermann* for anticipation.

20 The current amendment of independent claims 1, 20, and 42 further limits each claim by  
21 not only incorporating, among others, the limitations of dependent claim 18 that the ball screw be  
22 attached to the power means by a plurality of gears, but also by providing that the ball screw is  
23 attached to the power means by a planetary gear train comprising a first planetary gear assembly  
24 and a second planetary gear assembly. The specification as originally filed supports these  
25 amendments at page 4, beginning at line 11. Dependent claims 18, 19, 40, 41 and 45 are  
26 canceled herein because these claims are made redundant by the amendments to the independent  
27 claims.


28 Given the limitations added by the claim amendments herein, the remaining dependent  
29 claims, as filed, should not be rejected under either 35 U.S.C. 102 or 35 U.S.C. 103 because those  
30 claims are dependent upon allowable independent claims.

31 Applicant respectfully submits that this submission is fully responsive to the April 11,

1 2007 Office Action, and the remaining claims are in condition for allowance. The issuance of a  
2 Notice of Allowance at an early date is therefore requested.

3 If the Examiner believes a telephone conference would expedite prosecution of this  
4 application, please telephone the undersigned at (661)395-1000.

5 Respectfully submitted,

6 By   
7 JAMES M. DUNCAN  
8 Reg. No. 44,664  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Annotated Drawing  
sheet

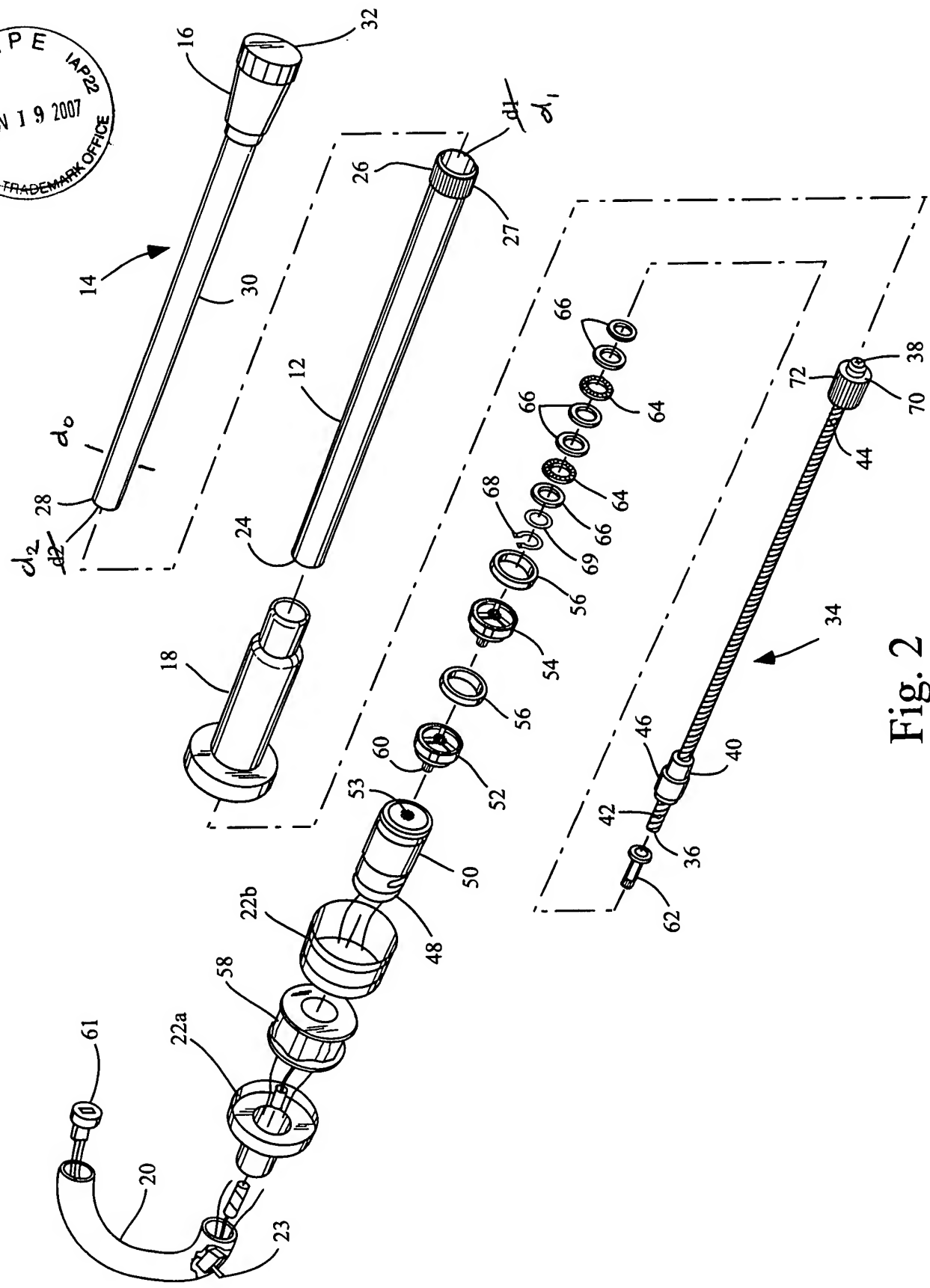


Fig. 2

Annotated  
Drawing Sheet

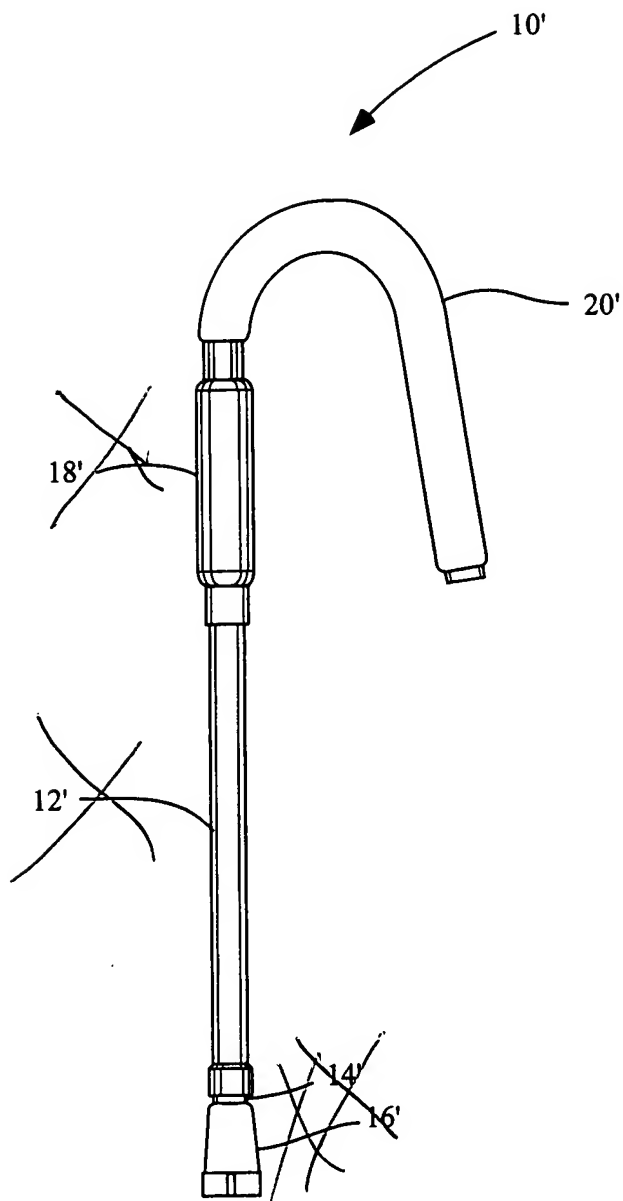


Fig. 3